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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,184	05/17/2005	Teruo Hitosugi	271652US3PCT	2377
22850	7590	01/24/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER DEMERE, CHRISTOPHER R	
			ART UNIT 3782	PAPER NUMBER
			NOTIFICATION DATE 01/24/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/535,184	<b>Applicant(s)</b> HITOSUGI, TERUO	
	<b>Examiner</b> Christopher Demeree	<b>Art Unit</b> 3782	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 May 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/17/2005 and 5/31/2007</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what is meant by "rounded surfaces R".

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

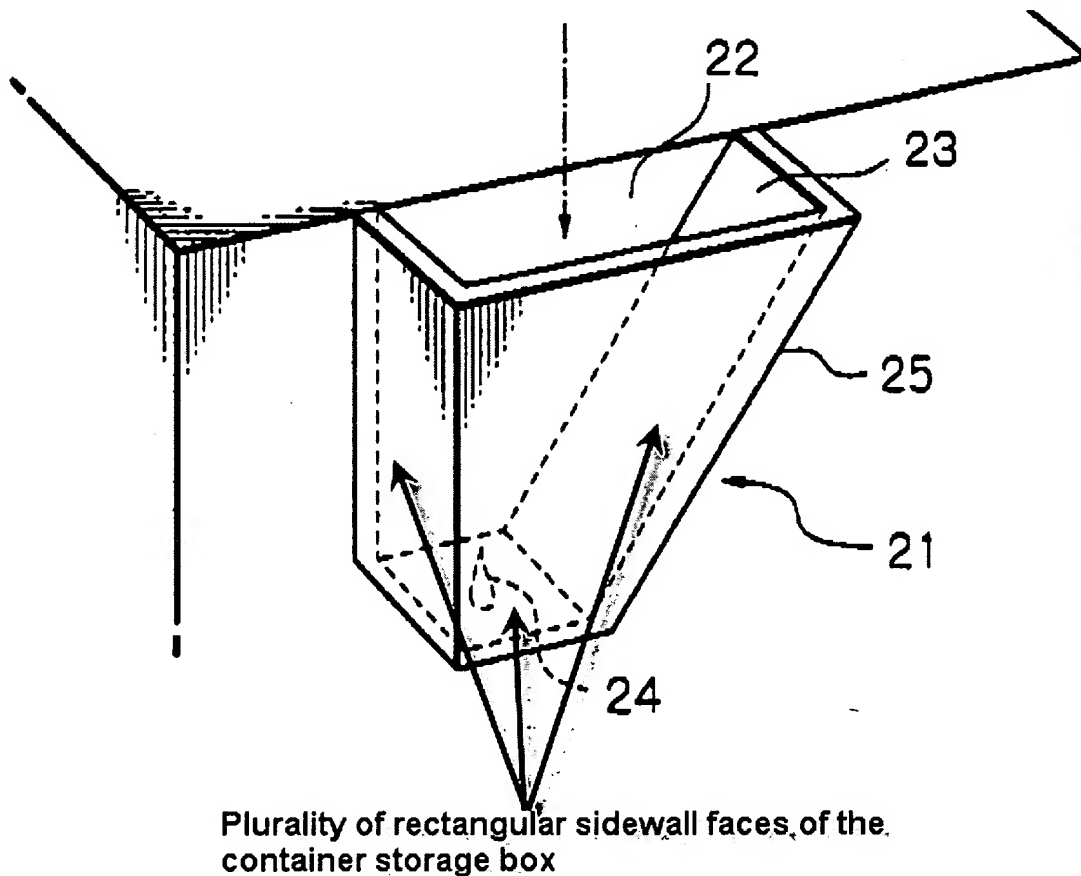
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 8-12 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Katsuyama et al. (US 6304739 B1; hereinafter Katsuyama).

Regarding claims 1 and 3, Katsuyama teaches a container storage box (21) for storage of a deformable container (1) which comprises a flexible region (Col 3 lines 31-35) and is capable of discharging fluidity contents for image formation when placed into a container loading part of an image forming apparatus (Col 1 lines 50-59), the container storage box comprising sidewall faces (frame 25) which are rigid to prevent random deformation of the deformable container during storage, characterized in that

said sidewall faces are provided to regulate a configuration of the deformable container in a configuration accommodated in the container loading part when the deformable container is placed in the image forming apparatus (Fig. 6).

Regarding claim 2, Katsuyama teaches a container storage box characterized in that the container storage box comprises rectangular portions having a plurality of sidewall faces, at least two opposing ones of the plurality of sidewall faces regulating the configuration of the container and fixing a position of the container by contact-surface resistance with the container during storage (see Fig. 6 and illustration below).

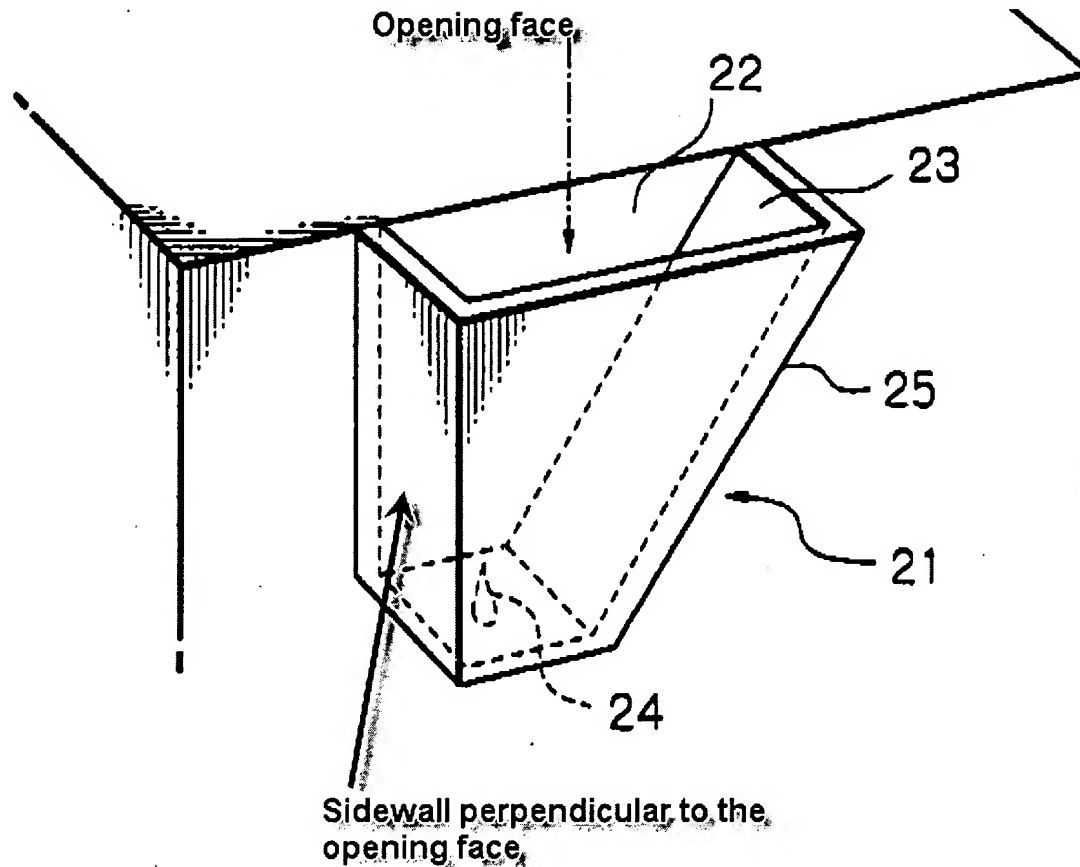


Regarding claims 4 and 9, Katsuyama teaches a container storage box characterized in that one of said at least two opposing sidewall faces is not parallel to the other, and a gap between said at least two opposing sidewall faces is gradually tapered (see illustration above). Examiner notes that the container storage box has a generally trapezoidal configuration (i.e. two opposing sidewalls are not parallel to one another and the opposing sidewall faces gradually taper).

Regarding claims 5, 10 and 11, Katsuyama teaches a container storage box characterized in that the container storage box comprises an opening face (top of container 21) which is different from the plurality of sidewall faces and located at one of sides of said at least two opposing sidewall faces where a gap is larger than at the other side of said at least two opposing sidewall faces (see Fig. 6); and a small-area face (the bottom) opposite to the opening face formed in the middle of the two opposing side walls.

Regarding claim 8, Katsuyama teaches a container storage box characterized in that the opening face is perpendicular to one of said at least two opposing sidewall

faces (see illustration below).



Regarding claim 12, Katsuyama teaches a container storage box characterized in that the container storage box comprises a projection (24) provided at a side of said one of said at least two opposing sidewall faces.

Regarding claim 22, Katsuyama teaches a container storage box that is a toner storage container (see Abstract).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6, 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuyama in view of Guidera (US 6241147 B1).

Regarding claims 6, 7 and 13, Katsuyama teaches everything except an insertable lid piece that is foldable to open or close. Guidera teaches a container for holding cosmetics comprising a tongue-shaped lid piece (62) which is foldable to open or close via a hinged fold line (66) and is inserted beneath a cutout edge (46) in the closed configuration (see Fig. 4). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Katsuyama's container to include a lid piece in order to provide a means to selectively open and/or close the container (Guidera; Col 2 lines 39-40).

7. Claims 14-16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuyama in view of Katsuyama (US 6519436 B2).

Regarding claims 14-16, Katsuyama '739 teaches everything except indication, or instructions, about the contents of the container. Katsuyama '436 teaches a toner powder container comprising an indication (89), or instructions, about the ~~about the~~ use of the container (Col 8; lines 1-6). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Katsuyama '739's container to include instructions on any number of the panels to instruct a user on how to disassemble said container as taught by Katsuyama '436.

Regarding claim 20, Katsuyama '739 teaches everything except a box comprising partial lamination. Katsuyama '436 teaches a toner powder container comprising a laminate of flexible sheets (Col 5 lines 19-25). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Katsuyama '739's container to include partial lamination in order to better mate the inner toner bag with the mouth of the container storage box (Katsuyama '436; lines 14-19).

8. Claims 17-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuyama in view of Lloyd et al. (US 6253993 B1; hereinafter Lloyd).

Regarding claims 17 and 18, Katsuyama teaches everything except perforations provided on the sheet material of the container that allow the assembly of said container. Lloyd teaches a container wherein the blank for forming the container is provided with numerous perforations to facilitate folding of said container without compromising the integrity of said container (Col 10 lines 24-36). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Katsuyama's container to include perforations for the fold lines in order to facilitate the construction of the container as taught by Lloyd.

Regarding claims 19 and 21, Katsuyama teaches everything except that the container storage box is made a corrugated cardboard material (examiner considers corrugated cardboard to be generally shock resistant). Lloyd teaches a container fabricated from cardboard, paperboard, corrugated paperboard or the like (Col 1 lines 10-15). It would have been obvious to one of ordinary skill in the art at the time of



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applicant's invention to fabricate Katsuyama's container out of corrugated cardboard because of the material's durability and cost effectiveness (Lloyd; Col 1 lines 16-20).

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Demeree whose telephone number is (571) 270-1982. The examiner can normally be reached on Mon-Fri, 8:00 AM-5:00PM, Alt Fri, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CD   
1/11/08

  
NATHAN J. NEWHOUSE  
SUPERVISORY PATENT EXAMINER